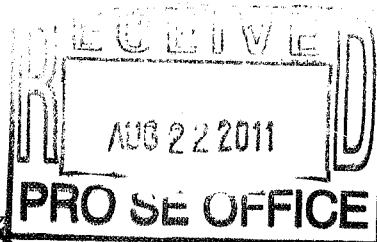


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



PETER LINDNER,

Plaintiff,

HONORABLE MAGISTRATE JUDGE
COTT

-against-

10 CIV. 2228 (JSR-JLC)

AMERICAN EXPRESS COMPANY, CEO KEN
CHENAULT, BANKING PRESIDENT ASH GUPTA,
(FORMER) SECRETARY OF THE CORPORATION
STEPHEN NORMAN AND GENERAL COUNSEL
LOUISE M. PARENT,

Defendants

PLAINTIFFS REQUEST FOR RE-
VISITING IN FULL POSSIBLE
VIOLATION OF NY JUDICIARY 487
BY DEFENDANTS WITH EXTREME
URGENCY

Thursday, August 18, 2011 2:54 PM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/22/11

To the Honorable Magistrate Judge Cott:

Affidavit

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

PETER LINDNER, being duly sworn, says:

1. I am the Plaintiff in this action and make this affidavit to ensure that true facts are not overlooked or disregarded.
2. In Your Honor's ORDER #36 of March 18, 2011, Your Honor said that we could fully re-visit my claims that Joe Sacca, Esq. did both violate SDNY Local Rule 1.6 and NY Judiciary §487 on "intent to deceive" any Court in NY State once Your Honor had reviewed the motion to dismiss, by writing:

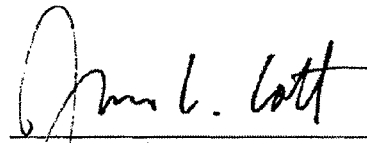
JAMES L. COTT, United States Magistrate Judge.

Pro se Plaintiff Peter Lindner has submitted a document to the Court entitled "Plaintiff's Request for a Pre-Motion Conference or an Actual In Person Conference" dated March 17, 2011. He apparently seeks to raise the issue of whether attorneys for the defendants intended to deceive the Court, in violation of the New York State Judiciary Laws. Counsel for Defendants, by letter dated March 18, 2011, contends that these allegations have been previously raised and rejected before Judges Koeltl and Stein in prior cases brought by Plaintiff.

The request for a pre-motion conference is denied at this time. The issues raised by Plaintiff do not appear to relate to the claims pending in this action. The Court reserves the right to reconsider the request once it has reviewed Defendants' motion to dismiss this action, which will be fully briefed as of March 21, 2011.

SO ORDERED.

Dated: New York, New York
March 18, 2011


JAMES L. COTT
United States Magistrate Judge

3. I hereby firmly request that this be acted upon immediately or as I believe the legal phrase is "WITH EXTREME URGENCY" with oral in-person testimony, so that we can see if the law was violated at first unknowingly, and then with deliberate malice against me, so that Mr. Sacca who argued against my Amex Shareholder proposal be held to the standard of an Officer of the Court. I note that it is hard to prove "by clear and convincing evidence" a violation of the laws and rules of This Honorable Court, especially given that I am a layman, and that I have tried several times over many years to get Mr. Sacca and his colleagues to pro-actively answer this question. But if what I allege is true, then Mr. Sacca would be disbarred, which is not too strong a relief for his offense and his subsequent cover up (both violations, but had Mr. Sacca recanted in 2007, this would have saved me and the Court much trouble).
2009 (PWT)
4. As a previously naïve pro se litigant, and now as a skeptic of the workings of the law, I feel that the Court is unfairly forcing me to tell the truth, while ignoring the untruthful utterances of its lawyers who have been admitted to the State of NY, and also (whether in fact or pro hac vice) to the SDNY. It is not a small thing for a lawyer to lie, and it should be seized upon by the Court, and Your Honor in particular, if such lie – whether substantial, in passing, intended, or covered up with malice aforethought – is let go, in violation of the Judicial Oath to treat the rich and the poor alike. I note I am unemployed, and was fired from Amex for bringing to its attention in 1998 that I was allegedly sexually harassed by my manager, and that said manager did retaliate in 2005 against me in violation of the Civil Rights Act of 1964 and the Lindner-Amex out-of-court settlement of June 2000, and that both that manager and the Amex's General Counsel's Office in the person of Amex VP Jason Brown, Esq. did from 2005, 2006 through Jan2009 cover up said contractual and legal violation. Amex and Skadden are multi-millionaires.
5. I should not have to jump through hoops to get the Court to have an oral argument under oath as to whether these Officers of the Court did indeed violate laws, ethics, and Court rules to my detriment, and whether or not they set the record straight, regardless if they previously escaped Justice. I hope that it is true, that "The wheels of justice grind exceedingly slow, but they grind

exceedingly fine.” I wish the wheels of justice to start grinding now, and to finely grind the offenses of Mr. Sacca, et al., even if Your Honor feels that it is a trivial matter to have an “intent to deceive” any Court in NY State. It is of great import to me, and to pro se litigants everywhere. And Your Honor has sworn to enforce the laws of NY State and the SDNY.

6. I ask that his fellow lawyers (and accomplices both passively and actively) Ms. Jean Park, Mr. Brown, Carol Schwartz, Louise Parent, Daniel Stoller be called in person to under oath state what they knew and when they knew it, so as to conform to the Local Rule 1.6 that they “shall notify the Judges to whom the cases have been assigned” as “soon as the attorney becomes aware of such” information relating to the fact that
- Amex did stop me from contacting the SEC in April 2007, and
 - Ms. Park and Mr. Sacca wrote and/or said to The Court that they did not stop me from contacting the SEC
 - And that Mr. Sacca is on record as telling USDJ Koeltl denying “that Mr. Lindner was under any prohibition from responding to the SEC in response to American Express’ request for no action” [94n3linc, April 23, 2009, 6:30 p.m., TR 10, lines 15-17]
 - Whilst Mr. Brown and Ms. Park sat next to him in the Court on April 23, 2009, and did not stand up to either inform USDJ Koeltl, nor even hand Mr. Sacca a note to amend his (wrongful) characterization of what Amex did to stop my Shareholder Proposal in 2007.

Sworn as true,

By: 


Peter Lindner
Plaintiff, *Pro Se*

1 Irving Place, Apt. G-23-C
New York, New York 10003

Dated: New York, NY
on August 18, 2011

Home/ Fax: 212-979-9647
Cell: 917-207-4962
Email: nyc10003@nyc.rr.com

Sworn to before me
August 18, 2011


Notary Public

CYNTHIA M. HARRIS
Notary Public, State of New York
No. 01HA6224506
Qualified in New York County
Commission Expires June 08, 2014

*** MULTI TX/RX REPORT ***

TX/RX NO 0972
PGS. 4
TX/RX INCOMPLETE

TRANSACTION OK

[11]*82 1 212 805 7990
[16]*82 1 917 777 2358
[17]*82 1 212 805 7935

Amex: MJ Cott
Joe Sacca-Skadden
HonUSDJ Rakoff

ERROR INFORMATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
PETER LINDNER,

Plaintiff,

Honorable Magistrate Judge Cott

-against-

10 Civ. 2228 (JSR-JLC)

AMERICAN EXPRESS COMPANY, CEO KEN
CHENAULT, BANKING PRESIDENT ASH GUPTA,
(FORMER) SECRETARY OF THE CORPORATION
STEPHEN NORMAN AND GENERAL COUNSEL
LOUISE M. PARENT,

Defendants

AFFIRMATION OF SERVICE

----- X
Date: Thursday, ~~March 17~~, 2011
 Aug. 18

I, Peter W. Lindner, declare under penalty of perjury that I have served a copy of the "Plaintiffs Request For Re-Visiting In Full Possible Violation Of NY Judiciary § 487 By Defendants With Extreme Urgency" upon The Pro Se Office and via email to Joe Sacca of Skadden, and via fax and/or night depository to Magistrate Judge Cott whose addresses are:

Joe Sacca, Esq.*
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, New York 10036
Phone: 212.735.3000
Fax: 917-777-2358
F: 212.735.2000/1
Joseph.Sacca@skadden.com

USDJ Rakoff *(PWZ)*
Magistrate Judge Cott &
Pro Se Office
US District Court SDNY
United States Courthouse
500 Pearl Street
New York, New York 10007-1312
Pro Se Office phone: 212-805-0175
MJ Cott fax: 212-805-7990
MJ Cott Voice: 212-805-0250

By: *Peter Lindner*

Peter W. Lindner
(Peter Lindner)
Plaintiff, *Pro Se*

Dated: August 18, 2011
New York, NY

1 Irving Place, Apt. G-23-C
New York, New York 10003
Home/ Fax: 212-979-9647
Cell: 917-207-4962
Email: nyc10003@nyc.rr.com

* whom I ask to send copies to the other Skadden, Amex and KDW lawyers since Amex has arranged for me to be under possible contempt of court for wrongly communicating to them (as ORDERed by MJ Katz).